

microorganisms for the purposes of patent procedures. The seeds were deposited at the International Patent Organism Depository (IPOD), National Institute of Advanced Industrial Science and Technology, AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken, 305-8566 Japan, on March 27, 2002 under Accession Number FERM BP-7982 and identified as high amylose wheat, H12-114.

IN THE CLAIMS:

Please cancel claims 6-15.

IN THE DRAWINGS:

Please substitute the new drawing of Figure 1 for the current drawing of Figure 1.

REMARKS

Status:

Claims 1-5 are pending and under consideration in this application, no claims being added or amended and claims 6-15 being canceled herein. Claims 6-15 are drawn to the non-elected species.

The specification is amended to add the deposit information for seeds capable of producing SGP-1 null wheat that were deposited in response to the 35 U.S.C. §112, first paragraph rejection. No new matter is added by this amendment.

A substitute Figure 1 is filed herewith in accordance to the draftperson's comments. The substitute Figure 1 introduces no new matter.

Claims 1-5 were rejected under 35 U.S.C. §112, first paragraph as allegedly not enabled. Applicant respectfully traverses this rejection.

35 U.S.C. §112, first paragraph, enablement:

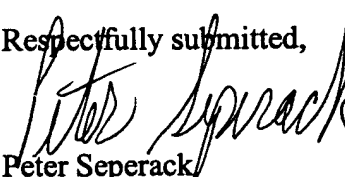
Claims 1-5 were rejected under 35 U.S.C. §112, first paragraph as allegedly not enabled. Specifically, the Examiner states that Applicant has not complied with the deposit requirements either under the Budapest Treaty or as enumerated in 37 C.F.R. §§1.801-1.809. Applicant herewith files a copy of the receipt for an original deposit accompanied by a translation indicating that seeds capable of producing SGP-1 null wheat, also known as high amylose wheat H12-

114 were deposited pursuant to the provisions of the Budapest Treaty at an appropriate IDA on March 27, 2002 under Accession Number FERM BP-7982. The receipt is accompanied by a declaration signed by the undersigned attorney stating that samples of 2500 seeds from H12-114 were deposited and all restrictions on availability to the public will be irrevocably removed upon the granting of a patent. The declaration further states that the seeds will be maintained by the IDA for the appropriate period, and that the seeds will be replaced if needed. In view of the above referenced submissions, Applicant submits that the currently pending claims are fully enabled and respectfully request that the 112, first paragraph rejection be withdrawn.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance and an action to that end is urged. If the Examiner believes a telephone conference would aid in the prosecution of this case in any way, please call the undersigned at 415-576-0200.

Respectfully submitted,



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APPENDIX I

CLAIMS PENDING AFTER AMENDMENT

1. Wheat starch obtained from endosperm of a seed of wheat which is modified to lack starch granule protein-1 (SGP-1), wherein the wheat starch has an apparent amylose content of about 35% or more.
2. The wheat starch of claim 1, wherein the apparent amylose content is from about 37% to about 40%.
3. The wheat starch of claim 1, wherein the wheat is a hexaploid wheat which lacks SGP-A1, SGP-B1 and SGP-D1.
4. The wheat starch of claim 3, wherein the hexaploid wheat is obtained by crossing a first wheat lacking a first protein selected from the group consisting of SGP-A1, SGP-B1 and SGP-D1, with a second wheat lacking a second protein which differs from the first protein and is selected from the group consisting of SGP-A1, SGP-B1 and SGP-D1, followed by further crossing the cross of the first wheat and the second wheat with a third wheat lacking a third protein which differs from the first and second proteins and is selected from the group consisting of SGP-A1, SGP-B1 and SGP-D1.
5. The wheat starch of claim 3, wherein the hexaploid wheat is obtained by crossing (i) Chousen 30 or Chousen 57, (ii) Turkey 116, and (iii) Kanto 79 in an arbitrary order.